

## **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

### **COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 25th day of February 2008 A.D. at 6:30 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

#### **Roll Call:**

Joanne M. Arruda  
Donald Bollin  
Paul E. Carroll  
Hannibal F. Costa

Louise Durfee  
Jay Edwards  
Brian A. Medeiros

Interim Town Administrator, James C. Goncalo and  
Town Solicitor, Andrew M. Teitz were also present.

#### **CLOSED EXECUTIVE SESSION**

1. Town Council-Collective Bargaining-42-46-5(a)(2)Discuss all Collective Bargaining Contracts
2. Town Council –42-46-5(a)(1)-Personnel-Gareth Eames, Code Enforcement Officer-Notice Given
3. Town Solicitor-42-46-5(a)(2)-Litigation
4. Town Council –42-46-5(a)(5)-Possible Acquisition or Disposition of Town Held Property

A motion was made by Councilor Bollin to enter into Executive Session pursuant to 42-46-5(a)(2)-Discuss all Collective Bargaining Contracts. The motion was seconded by Council Edwards and then passed unanimously.

Councilor Bollin made a motion to remain in Executive Session pursuant to 42-46-5(a)(1)-Personnel-Gareth Eames, Code Enforcement Officer. Councilor Edwards seconded the motion, which passed unanimously.

A motion was made by Councilor Bollin to further remain in Executive Session pursuant to 42-46-5(a)(2)-Litigation. Councilor Medeiros seconded the motion and passed unanimously.

Councilor Bollin made a motion to further remain in Executive Session pursuant to 42-46-5(a)(5)-Possible Acquisition or Disposition of Town Held Property. Councilor Medeiros seconded the motion, which passed unanimously.

For the record Mr. Gareth Eames had been notified in writing in Accordance to Open Meetings Law. Mr. Eames elected not to have the discussion in Open Session.

The Council entered into Executive Session at approximately 6:32 p.m.

The Council recessed the Executive Session and resumed the Open Session at approximately 7:17 p.m.

#### **Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin read the items as listed for approval on the Consent Agenda.

Councilor Medeiros made a motion to approve the Consent Agenda, seconded by Councilor Edwards, which passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA**

**A-1-Approval of Minutes of Previous Meetings.**

**A-2-Receipt of Minutes from Various Board and Commissions:**

- |                                |                                     |
|--------------------------------|-------------------------------------|
| a. Fogland Beach Committee (2) | c. Tree Commission                  |
| b. Charter Review Commission   | d. Wastewater Management Commission |

**A-3-Correspondence**

- a. Received From Town of Burrillville Regarding Senate Bill 2008-2037 Relating to Public Utilities Excavation Near Underground Utility Costs.
- b. Received From Town of Warren Regarding Resolution on Global Warming
- c. Received From Chief Blakey Regarding Retail License Violation

**PUBLIC INPUT HEARING (NOT ADVERTISED)**

President Durfee opened the Public Input Hearing:

Mr. Stephen Berlucchi, Director of Public Works, submitted a Draft of the Annual Report relating to the RIPDES Permit, which required Public input or comments for submission to the RIDEM by March 11, 2008. The General Permit had requirements for a five year period. The reporting period was for Jan. 07 – Dec. 07, the fourth year of the five-year License.

Present was Mr. David P. Cabral, PE, Environmental Engineer for ESS Group who had prepared the Annual Report for the Stormwater Program and gave a brief overview.

There were six requirements that had to be accomplished within the five-year period.

- 1. Public Education and Outreach ( A Storm Water Pollution Education Brochure continues to be available at Town Hall)
- 2. Public Involvement & Participation (Public Input Hearing-Last year held in February)
- 3. Illicit Discharge Detection & Elimination (Stormwater outfalls were located by GPS technology, and map of the Town was generated that included names and location of water outfalls) Catch Basins are cleaned and inspected annually. Illicit discharge, if any, is identified in the inspection process.
- 4. Construction Site Storm Water Runoff Control—(All plans for Stormwater Control is required for all construction sites to be reviewed by Public Works Director and Planning Board)
- 5. Post Construction Storm Water Management in New Development and Redevelopment (Before final approval, DPW visually inspects all sites to ensure construction occurred to approved plans)
- 6. Pollution Prevention and Good Housekeeping In Municipal Operations (Town cleans & inspects catch basins annually-Road sweeping during the spring, town garage inspection of oil storage tanks and equipment that contains oil. Oil/water separator is used to collect wash water from the public works yard grounds -all public works employees are trained to identify activities that could lead to storm water pollution.

Mr. David Cabral stated that all milestones up to year four have been met.

President Durfee closed the Public Hearing; there were no comments from the Public.

A motion was made by Councilor Edwards to accept the Draft Report for submission to RIDEM as required. The motion was seconded by Councilor Bollin and passed by vote of 6-1, Councilor Costa opposed.

### **APPOINTMENTS & RESIGNATIONS**

1. Harris E. Gruber-For Distribution-Seeking Appointment to Harbor & Coastal Commission on March 10<sup>th</sup> Council Meeting.

### **UNFINISHED BUSINESS**

#### **Town Administrator-**

- a. **Request Transfer of \$12,000. 00 from Health Insurance Account #219-266 to Rossi Collection Account #215-345**

At the last Council Meeting a request was made to be provided with a financial report regarding expenditures to the end of the FY June 30, 2008 and an estimate as to the balance after reimbursements in the Health Insurance Account before authorizing any transfers.

Mr. James C. Goncalo, Town Treasurer/Town Administrator did provide the report which indicated an estimated balance of \$117,000.00 in the Health Insurance Account.

A motion was made by Councilor Carroll to approve the requested transfer of \$12,000.00 from Acct.# 219-266 to Acct. # 215-345. The motion was seconded by Councilor Medeiros and passed unanimously.

- b. **Request Transfer of \$40,000.00 from Health Insurance Acct. #219-266 to Litigation Acct. # 105-359:**

Town Solicitor, Andrew M. Teitz stated the transfer was immediately needed, for expenses incurred all related to the Bay Street contamination area.

Councilor Carroll made a motion to approve the transfer of \$40,000.00 from the Health Insurance Acct. # 219-266 to Litigation Acct. # 105-359. The motion was seconded by Councilor Arruda and then passed unanimously.

### **FINANCIAL BUSINESS:**

#### **Stephen Berlucchi, DPW Director-Request Transfer of \$5,000.00 from Acct. #554-794 (Drainage & Paving) to Acct. # 554-648 (Tires, Parts & Maintenance)**

Mr. Berlucchi, Director of Public Works, with the current balance of \$1,779.67 in the account, requesting the \$5,000.00 transfer, which would be sufficient through the fiscal year. Because of aging fleet and equipment, more parts and maintenance would be needed.

A motion was made by Councilor Carroll seconded by Councilor Arruda to approve the requested transfer of \$5,000.00 from the Drainage/Paving Account to the Tires, Parts and Maintenance Account. The motion carried unanimously.

Mr. Berlucchi was in the process of putting together a priority list of streets in regard to paving or resurfacing. The \$5,000.00 transfer would not impact the Drainage/ Paving work.

### **NEW BUSINESS:**

**G.H.L. Investment, LLC-Attorney Jeremiah Leary-Request Acceptance of Public Improvements in Ford Farm Subdivision (Including Public Sewers) and Release of Surety:**

Attorney Jeremiah Leary representing G.H.L. Investment requesting Council acceptance of public improvements in Ford Farm Subdivision. The Planning Board, by memo, unanimously voted to recommend the acceptance of Ford Farm subdivision streets, subject to five conditions. 1. Sewer System, to be accepted, 2. Drainage system inspection report to be submitted for review 3. Drainage system to be cleaned 4. Roadways to be swept and 5. Drainage basin areas and roadway shoulders to be mowed.

Because the last three conditions could not be satisfied now during the winter, Attorney Leary also requested the surety be released except for \$ 5,000.00, which would be sufficient to cover those requirements.

Public Works Director, Stephen Berlucchi said the sewer system had been inspected and concurred with Mr. John Lincourt the system was built to design, the easements were in place and acceptable. Mr. Berlucchi also agreed that the \$5,000.00 to remain as surety would be enough to cover the rest of the work in the spring.

President Durfee suggested a formal report in writing from the Wastewater Management regarding the sewer system, and in writing from the Director of Public Works supporting the surety.

A motion was made by Councilor Bollin to continue the matter to the next Council Meeting of March 10, 2008 for documentation of acceptance of the Sewer System from Wastewater Management and from documentation from the Director of Public Works with the amount of surety to be retained. The motion was seconded by Councilor Edwards, which passed unanimously.

**Town Treasurer, J. Goncalo-Presentation by Paul Dansereau-Parmelee, Poirier & Associates, LLP-Review of Town Financial Audit Report for 6/30/2007 (Audit Previously Distributed:**

Mr. James C.Goncalo, Town Treasurer, at this time introduced Mr. Paul Dansereau of Parmelee, Poirier & Associates.

The report had already been distributed before hand to the Council.

Mr. Dansereau pointed out certain pages of the report.

Page 13, Statement of Net Assets

Page 14 Statement of Activities

Page 16 Statement of Revenues, Expenditures and Changes in Fund Balances

Page 54 Comparison Schedule—Schedule of Revenues & Expenditures

Discussion pursued regarding the use of funds to offset the tax rate and unreserved fund balances necessary to maintain credit ratings for bond issues and future Town debt. New GASB requirements have been reflected in the audit.

During the audit, identified certain matters involving internal control and operations of the Town and provided a Management Letter with their comments and recommendations. Listed were six comments and recommendations for implementation.

A motion was made by Councilor Costa to approve the Town Financial Audit Report as presented by the auditor. The motion was seconded by Councilor Edwards and passed unanimously.

**J. Goncalo, Town Treasurer-Request Permission to Purchase Upgrade for Treasurer's Office Software System:**

Town Treasurer, James C. Goncalo requesting permission to purchase upgrade to Treasurer's Office software. The current software was thirteen years old, and would no longer be supported after June 30, 2008.

The quote of \$14,300.00 was attached; the funds would be drawn from Acct. L-01-002-216 (Liability Acct.) set up by the prior Treasurer for the purpose of purchasing the software. The upgrade would be a sole source purchase from the developer SunGard Pentamotion. The upgrade would also help with the comments of the Management Letter from the auditors.

A motion was made by Councilor Carroll granting the request to purchase the software upgrade. Councilor Medeiros seconded the motion and passed unanimously.

**Town Treasurer, J. Goncalo –Request Permission to Purchase New File Server and Related Upgrades from RI State Bidders List:**

Mr. James Goncalo, Town Treasurer, requesting approval to purchase new file server, which was ten years old and needed to be replaced with stronger equipment to support the new software upgrade. Received quotes from the RI State Bidders List, Tech Team in the amount of \$9,073.00 with licenses of \$4,402.00 for an estimated total of \$13,475.00. The funds to be withdrawn from Account #214-733 (Computers).

A motion was made by Councilor Edwards to approve the request to purchase new file server for the estimated cost of \$13,475.00 or better. Councilor Costa seconded the motion and passed unanimously.

**J. Lincourt, Superintendent WWM-Report on Proposed Expansion of Sewer Service Area:**

Mr. John Lincourt and Mr. Raymond Joubert of the Wastewater Management Commission giving the Council a heads up of a proposed project that would be before the Council in the near future. A developer on the Hasengaeger Property approached the Wastewater Commission to review a proposal for a residential property and proposing to have sewers installed.

Both Mr. Lincourt and Mr. Berlucchi reviewed the proposal as well as the Berger Report. The project was outside the area planned for sewers in the Berger Plan. Reviewed the projected flows and service area in the Berger Plan, and a spreadsheet that was developed a few years ago of build out flow of all projects, concluded there was sufficient capacity in the Industrial Way Pumping Station and in the Mount Hope Bay Interceptor to accept the wastewater flow from the proposed development, estimated at 62,300 gallons.

Mr. John Lincourt was requested to provide a report containing an extended sewer service area map for the projected sewer flows at build out, and the spreadsheet of street-by-street flow chart.

Mr. Noel Berg of the Planning Board stated that the developer had not yet filed a formal application to the Planning Board, approval of sewerage a little premature at this time. The Facilities Plan needed to be modified, then go to RIDEM for approval.

The Wastewater Management Commission had no objection to the project; the developer went there first, before spending major on a master plan. Town Solicitor agreed with Mr. Berg, need an update of the Berger Plan done by an independent firm, more significantly by the developer.

**TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**PUBLIC ANNOUNCEMENTS:**

1. There was a vacancy on the Tax Assessor's Board of Review .
2. A reminder, March 4, 2008 Presidential Preference Primary. Polls open at 8:00 am to 9:00 pm.
3. Charter Review Commission holding a Public Forum on February 27, 2008 at 7:00 p.m. at Town Hall

**COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

**TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

**1. Release of Agreement for W. Glenn Steckman III**

Pursuant to a vote made in Executive Session, to release the Agreement dated December 4, 2007 between the Town of Tiverton and W. Glenn Steckman III upon his departure.

The minutes of the Executive Sessions however were not to be unsealed.

A motion was made by Councilor Medeiros to unseal the Agreement dated December 4, 2007 to be made public. The motion was seconded by Councilor Edwards, which passed unanimously.

**CLOSED EXECUTIVE SESSION**

The Council returned to continue Executive Session at approximately 8:35 p.m.

The Council returned to Open Session at approximately 10:55p.m.

**OPEN SESSION:**

Council President Durfee announced formal action had been taken during Executive Session.

Councilor Medeiros motioned to unseal the vote of December 4<sup>th</sup> on the Glenn Steckman Agreement. Motion passed unanimously.

The vote on December 4<sup>th</sup> for the Agreement and Unconditional Release of W. Glenn Steckman, unsealed earlier in the meeting was recorded 4 to 3. Opposed were Councilor Bollin, Councilor Medeiros and Councilor Edwards.

Councilor Bollin motioned to seal the minutes of the Executive Session this evening. Seconded by Councilor Medeiros, passed unanimously.

**ADJOURNMENT:**

Councilor Edwards motioned to adjourn, seconded by Councilor Medeiros. Motion passed unanimously. Meeting adjourned at approximately 11:00p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Regular Town Council Meeting at the Town Hall on Thursday, the 30th day of June 2005 A.D. at 7:00 p.m.

**ROLL CALL**

Joanne M. Arruda	Cecil E. Leonard
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Arthur R. Wyman Jr.
Louise Durfee (Absent)	

Vice President, Donald Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Town Solicitor, Andrew M. Teitz was also present and Town Administrator was not in attendance.

**Approval of Consent**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the Agenda.

Councilor Bollin read all the items listed as Consent Agenda.

Councilor Carroll requested those Items A-1 and A-3 is removed under Approval of Minutes as well as Item E-3 under New Business.

Councilor Leonard requested to have removed Items A-5 and A-6 under Approval of Minutes also requested the removal of Items D-4a under Financial Business, the removal of Item I-1 under Abatements and Items under Correspondence J-1 and J-2.

Councilor Arruda requested Item J-6 under Correspondence be removed from the Consent Agenda.

Mr. Carroll made a motion, seconded by Mrs. Arruda to approve the remaining items listed on the Consent Agenda. The motion made was unanimous.

The remaining items on the Consent Agenda were as follows:

**Approval of Minutes Of Previous Meetings:**

A-1--Special Town Council Meeting of May 16, 2005

A-4- Regular Town Council Meeting of June 13, 2005

A-7-Council Workshop Minutes of June 20, 2005

**Financial Business:**

D-1-Tax Collector-Request Approval of Inter-Departmental Transfers

\$450.00 from #215-535 (Telephone) to #215-623 (Supplies)

D-2-Chief Lloyd-TFD-Requests Approval of Inter-Departmental Transfer

\$300.00 from #331-640 (Station Maint.) to #331-740 (Apparatus Maint.)

D-3-Chief Blakey-Request Inter-Departmental Transfers

\$209.32 from #333-167 (Equipment) to #333-528 (Education)

\$509.32 from #333-168 (Uniform) to #333-528 (Education)

\$400.76 from #333-530 (Radio) to #333-528 (Education)

\$1,670.70 from #333-648 (Vehicle) to #333-528 (Education)

\$200.00 from #333-648 (Vehicle) to #333-640 (Building Maintenance)

**Correspondence**

*Distributed Prior to Council Meeting*